



Maricopa County

Environmental Services Department

To: Stakeholders and the General Public

Subject: HB 2103 (Cottage Industry Bill) FAQs

Date: September 13, 2011

The Maricopa County Environmental Services Department (MCESD) has received a number of questions from our stakeholders and the public regarding the subject item above. Information can be found at <http://www.azdhs.gov/phs/oeh/fses/goods/index.htm>. Rule making is in progress and will be available by the end of 2011. Any comments should be directed to the Arizona Department of Health Services.

Cottage Industry Bill (HB2103)

1. **Can individuals sell home baked goods and/or confectionary items listed in the bill at Farmer's Markets, Swap Meets, Special Events, or other non-permitted facilities?** Yes, because these types of business do not otherwise require a permit from the Department.
2. **Can these individuals sample their home baked goods and/or confectionary items at these venues?** It is recommended that samples are pre-packaged and Department staff are available to educate these individuals on the benefits of pre-packaged samples. HB 2103 does not specify guidelines for sampling and these types of operations are exempt from the health code regulations.
3. **What are the requirements for sampling?** None, the bill does not address this issue and the sampling guidelines in the code apply only to our permitted facilities.
4. **The bill requires food handler cards, will MCESD be enforcing this or will we refer these issues to the State?** Refer to the ADHS (Arizona Department of Health Services) by calling 602-364-3118 or email homebakedgoods@azdhs.gov.
5. **How should MCESD staff handle complaints about individuals selling these types of products where no permit is required from the Department?** Refer to the ADHS by calling 602-364-3118 or email homebakedgoods@azdhs.gov.
6. **Can individuals obtain temporary or seasonal permits and simultaneously sell home baked goods and/or confectionary items at a special event?** No, it has to be a separate booth. See question 7
7. **Can we require individuals to do only 1 of the scenarios listed above i.e only operate as a temporary or seasonal, or a temporary or seasonal and home baked goods/confectionary items booth?** An individual would have to apply and get approval for the temporary or seasonal booth. Any baked good or confectionary item must be sold out of a separate booth which does not require a separate permit. See question 6 above.

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8. **What should MCESD staff do if these types of product are found at a permitted retail store?** A violation should be documented under 3-201.11 and the product should be embargoed.
 9. **If a Cottage Industry vendor plans to operate at a special event, should the Department request they register with our program? (No permit or fee. Just to establish a complete list of food service at the event to avoid confusion/problems onsite).** No, Cottage Industry Food is exempt.
 10. **Can an individual purchase commercially processed baked goods and confectionary items and repackage for sale?** No, the bill covers home baked goods and confectionary items. Purchasing commercially processed baked goods and/or confectionary items and repackaging would require a permit from the Department.

